

Nov 17, 2020

SEAN F. MCAVOY, CLERK

William D. Hyslop  
United States Attorney  
Eastern District of Washington  
Richard C. Burson  
Assistant United States Attorney  
402 E. Yakima Ave., Ste. 210  
Yakima, WA 98901-2760  
Telephone: (509) 454-4425

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORLANDO RAUL RODRIGUEZ  
(a/k/a "Toon");  
DEREK LEVI MARTINEZ  
(a/k/a "Joker");  
JESSE LEE JOHNSON; and  
CHERRISH IREAN JENSEN,

Defendants.

1:20-CR-2030-SMJ

SUPERSEDING INDICTMENT

Vios: 18 U.S.C. §§ 922(g)(1),  
924(a)(2)  
Felon in Possession of  
Firearm & Ammunition  
(Counts 1, 3)

18 U.S.C. §§ 2119, 2  
Carjacking  
(Count 2)

18 U.S.C. § 924(c)(1)(A)(ii)  
Brandishing of a Firearm  
During a Crime of Violence  
(Count 4)

26 U.S.C. § 5861(d)  
Receipt or Possession of an  
Unregistered Firearm  
(Count 5)

18 U.S.C. § 924, 49 U.S.C.  
§ 80303, 26 U.S.C. § 5872, 28  
U.S.C. § 2461  
Forfeiture Allegations

1 The Grand Jury charges:

2 COUNT 1

3  
4 On or about March 9, 2020, in the Eastern District of Washington, the  
5 Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), knowing of his  
6 status as a person previously convicted of a crime punishable by a term of  
7 imprisonment exceeding one year, did knowingly possess in and affecting  
8 interstate commerce a firearm and ammunition, to wit: a silver Ruger SR9C 9mm  
9 pistol bearing serial number 332-01131; eight rounds of Cascade Cartridge, Inc.,  
10 Blazer 9 mm caliber ammunition; 15 rounds of Winchester, Luger 9 mm caliber  
11 ammunition; and 23 rounds of Federal, Luger 9 mm caliber ammunition, which  
12 firearm and ammunition had theretofore been transported in interstate and foreign  
13 commerce, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).  
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17

18 COUNT 2

19 On or about July 5, 2020, in the Eastern District of Washington, the  
20 Defendants, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), DEREK LEVI  
21 MARTINEZ (a/k/a "Joker"), JESSE LEE JOHNSON, and CHERRISH IREAN  
22 JENSEN, took a motor vehicle, to wit: a 1996 Honda Accord, that had been  
23 transported, shipped, and received in interstate and foreign commerce from J.H. by  
24 force, violence and intimidation, with the intent to cause death and serious bodily  
25 harm, all in violation of 18 U.S.C. §§ 2119, 2.  
26  
27  
28

## COUNT 3

On or about July 5, 2020, in the Eastern District of Washington, the Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), knowing of his status as a person previously convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in and affecting interstate commerce a firearm and ammunition, to wit: a Ruger 10-22 .22LR caliber rifle bearing serial number 242-44238 and 14 rounds of Remington .22 mm caliber ammunition, which firearm and ammunition had theretofore been transported in interstate and foreign commerce, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2).

## COUNT 4

On or about July 5, 2020, in the Eastern District of Washington, the Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, to wit: Carjacking in violation of 18 U.S.C. § 2119, as alleged in Count 2 of this Superseding Indictment, did knowingly use, carry, brandish and possess in furtherance of the Carjacking, a firearm, all in violation of 18 U.S.C. § 924(c)(1)(A)(i), (ii).

## COUNT 5

On or about July 5, 2020, in the Eastern District of Washington, the Defendant, ORLANDO RAUL RODRIGUEZ (a/k/a "Toon"), did knowingly receive and possess a firearm, to wit: a weapon made from a Ruger 10-22 .22LR

1 caliber rifle bearing serial number 242-44238 having, as modified, an overall  
2 length of less than 26 inches and a barrel of less than 16 inches in length, which is  
3 a firearm as defined pursuant to 26 U.S.C. § 5845(a)(4), (c), and which such  
4 firearm was not registered to him in the National Firearms Registration and  
5 Transfer Record, all in violation of 26 U.S.C. §§ 5841, 5861(d), 5871.  
6  
7

### 8 NOTICE OF CRIMINAL FORFEITURE

9 The allegations contained in this Superseding Indictment are hereby  
10 realleged and incorporated by reference for the purpose of alleging forfeitures.  
11

12 Pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), upon conviction  
13 of an offense(s) in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), as set forth in  
14 Counts 1 and 3; and/or, in violation 18 U.S.C. § 924(c)(1)(A)(ii), as set forth in  
15 Count 4 of this Superseding Indictment, the Defendant, ORLANDO RAUL  
16 RODRIGUEZ (a/k/a “Toon”), shall forfeit to the United States of America any  
17 firearm and ammunition involved or used in the commission of the offenses. The  
18 assets to be forfeited include, but are not limited to:  
19  
20  
21

#### 22 Count 1:

- 23 - a silver Ruger SR9C 9mm pistol bearing serial number 332-01131;
- 24 - eight rounds of Cascade Cartridge, Inc., Blazer 9 mm caliber ammunition;
- 25 - 15 rounds of Winchester, Luger 9 mm caliber ammunition; and,
- 26 - 23 rounds of Federal, Luger 9 mm caliber ammunition

#### 27 Counts 3 and 4:

- 28 - a Ruger 10-22 .22LR caliber rifle bearing serial number 242-44238; and,
- 14 rounds of Remington .22 mm caliber ammunition

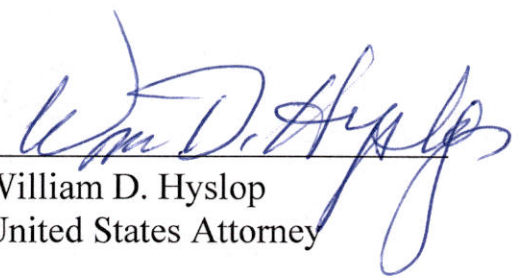
Pursuant to 49 U.S.C. § 80303, 26 U.S.C. § 5872 and 28 U.S.C. § 2461,  
upon conviction of an offense in violation of 26 U.S.C. §§ 5841, 5861(d) and 5871,  
as set forth in Count 5 of this Superseding Indictment, the Defendant, ORLANDO  
RAUL RODRIGUEZ (a/k/a "Toon"), shall forfeit to the United States of America,  
any firearms and ammunition involved or used in the commission of the offense,  
including, but not limited to:


- a Ruger 10-22 .22LR caliber rifle bearing serial number 242-44238; and,
- 14 rounds of Remington .22 mm caliber ammunition

DATED this 17 day of November, 2020.

A TRUE BILL

  
Foreperson

  
William D. Hyslop  
United States Attorney

  
Richard C. Burson  
Assistant United States Attorney